REMARKS

I. General

Claims 1 and 3-29 were pending in the present application, and all of such pending claims were rejected in the present Office Action (mailed October 4, 2005). The outstanding issues in the current Office Action are:

- Claims 10-19 and 26-29 are rejected under 35 U.S.C. § 101 as being non-statutory;

- Claims 1, 3, 5, and 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,850,511 issued to Stoecker et al. (hereinafter "*Stoecker*") in view of U.S. Patent No. 6,449,643 issued to Hyndman et al. (hereinafter "*Hyndman*");

- Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Hyndman* and further in view of U.S. Patent No. 5,930,154 issued to Thalhammer-Reyero (hereinafter "*Thalhammer-Reyero*");

- Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Hyndman* and further in view of U.S. Patent No. 6,493,751 issued to Tate et al. (hereinafter "*Tate*");

- Claims 10, 12, 19, and 26-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Tate*;

- Claims 11, 14, and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Tate* and further in view of U.S. Patent No. 6,009,274 issued to Fletcher et al. (hereinafter "*Fletcher*");

- Claims 13, 15, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Tate* and further in view of *Thalhammer-Reyero*;

- Claims 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Tate* and further in view of *Hyndman*;

- Claims 20, 22, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hyndman* in view of *Stoecker*;

- Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hyndman* in view of *Stoecker* and further in view of *Thalhammer-Reyero*;

- Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hyndman* in view of *Stoecker* and further in view of *Tate*; and

- Claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Hyndman* and further in view of U.S. Patent No. 6,023,765 issued to Kuhn (hereinafter "*Kuhn*").

In response, Applicant respectfully traverses the outstanding claim rejections, and requests reconsideration and withdrawal thereof in light of the amendments and remarks presented herein.

II. Amendments

Claims 10 and 26 are amended herein. No new matter is added by these amendments. The amendments are made solely for the purpose of ensuring that these claims are understood to be directed to well-recognized statutory subject matter. More particularly, claim 10 is amended herein to recite that the operating system and configuration file(s) are stored to computer-readable medium. Similarly, claim 26 is amended herein to recite that the operating system and configuration file(s) are stored to computer-readable medium.

III. Rejection under 35 U.S.C. § 101

Claims 10-19 and 26-29 are rejected under 35 U.S.C. § 101 as being non-statutory because "the system is intangible because the broadest reasonable interpretation of compartments can include software compartments (modules)." Page 2 of Office Action.

Claim 10 is amended herein to recite that the operating system and configuration file(s) are stored to computer-readable medium. Similarly, claim 26 is amended herein to recite that the operating system and configuration file(s) are stored to computer-readable medium.

Software stored to computer-readable medium has been recognized as being statutory subject matter. Accordingly, the systems recited in claims 10-19 and 26-29 are tangible, rather than being an abstract idea, law of nature, or natural phenomena, and these claims are therefore directed to patentable subject matter.

In view of the above, the rejection of claims 10-19 and 26-29 under 35 U.S.C. § 101 should be withdrawn.

IV. Rejections Under 35 U.S.C. §103(a) over *Stoecker* in view of *Hyndman*

Claims 1, 3, 5, and 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Hyndman*. Applicant respectfully traverses this rejection below.

To establish a prima facie case of obviousness, three basic criteria must be met. *See* M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the applied references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the applied references must teach or suggest all the claim limitations. Without conceding the first or second criteria, Applicant respectfully asserts that the 35 U.S.C. § 103(a) each of the rejections of the present Office Action fails to satisfy at least the third criteria, as discussed further below.

Independent Claim 1

Independent claim 1 recites:

> A method of administering a processor-based system, said method comprising:
> implementing, by an operating system, at least one compartment for containment of at least one process executable on said processor-based system, wherein said at least one compartment defines whether said at least one process contained therein is allowed access to particular system resources; and

> providing, by said processor-based system, at least one operating system command-line utility executable to manipulate said at least one compartment.

The Office Action concedes that *Stoecker* fails to teach that the "at least one compartment defines whether said at least one process contained therein is allowed access to particular system resources". However, the Office Action asserts that *Hyndman* teaches this element of claim 1, citing to the abstract of *Hyndman*, *see* page 3 of the Office Action. Applicant disagrees, as discussed below.

Hyndman does not teach or suggest at least one compartment that is implemented by an operating system, as recited by claim 1. *Hyndman* appears to teach a "building block" ("BB") that "comprises a database for storing access control data pertinent to said component including all resources accessible to the BB and all users that have the right to use the BB, according to privileges allocated to each user." Abstract of *Hyndman*. This fails to teach or suggest a compartment implemented by an operating system that defines whether at least one process contained therein is allowed access to particular system resources. Rather, *Hyndman* merely teaches that access rights for a component are stored to a database.

The Office Action further asserts on page 14 thereof:

> During patent examination the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).... Both a containment tree (data structure) and data building block satisfy the broadest reasonable interpretation of a compartment.

Irrespective of whether a containment tree and data building block satisfy the broadest reasonable interpretation of a "compartment," claim 1 does not merely recite a "compartment." Rather, claim 1 recites a compartment that is implemented by an operating system and that defines whether at least one process contained therein is allowed access to particular system resources. As discussed above, *Hyndman's* building block comprising a database for storing access control data does not provide such a compartment. Moreover, *Hyndman* provides no teaching that its building block is implemented by an operating system.

Further, *Hyndman* does not teach or suggest providing at least one operating system command-line utility executable to manipulate the at least one compartment. *Hyndman*

teaches "an access control user interface connected to the access control library for viewing and editing the access control data on the GUI" (col. 3, lines 13-15). While *Hyndman* appears to teach such a user interface to a database, it fails to teach an operating system command-line utility executable to manipulate the at least one compartment, as recited by claim 1. Again, *Hyndman* does not teach or suggest a compartment implemented by an operating system, much less one which is manipulatable by a command-line utility. Thus, *Hyndman* does not provide an operating system command-line utility executable to manipulate the at least one compartment.

Similarly, *Stoecker* does not teach or suggest a compartment implemented by an operating system. *Stoecker* also does not provide an operating system command-line utility executable to manipulate the at least one compartment.

Accordingly, the applied combination of *Stoecker* and *Hyndman* fails to teach or suggest all elements of independent claim 1, and thus claim 1 is not obvious under 35 U.S.C. § 103(a) over these references.

Dependent Claims 3,5, and 7-9

Claims 3, 5, and 7-9 each depend either directly or indirectly from independent claim 1, and thus inherit all limitations of independent claim 1. It is respectfully submitted that dependent claims 3, 5, and 7-9 are allowable not only because of their dependency from independent claim 1 for the reasons discussed above, but also in view of their novel claim features (which both narrow the scope of the particular claims and compel a broader interpretation of independent claim 1 from which they depend).

V. Rejection Under 35 U.S.C. § 103(a) over *Stoecker* in view of *Hyndman* and *Thalhammer-Reyero*

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Hyndman* and further in view of *Thalhammer-Reyero*. Claim 4 depends from independent claim 1, and thus inherits all limitations of independent claim 1. As discussed above, the combination of *Stoecker* and *Hyndman* fails to teach or suggest all elements of independent claim 1. The Office Action does not rely upon *Thalhammer-Reyero* for teaching the above-identified elements of claim 1 that are not taught or suggested by *Stoecker* and

Hyndman, nor does *Thalhammer-Reyero* provide such teaching. It is therefore respectfully submitted that dependent claim 4 is allowable not only because of its dependency from independent claim 1 for the reasons discussed above, but also in view of its own novel claim features (which both narrows its individual scope and compels a broader interpretation of independent claim 1 from which it depends).

VI. Rejection Under 35 U.S.C. § 103(a) over *Stoecker* in view of *Hyndman* and *Tate*

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Hyndman* and further in view of *Tate*. Claim 6 depends from claim 5, which depends from independent claim 1, and thus claim 6 inherits all limitations of independent claim 1. As discussed above, the combination of *Stoecker* and *Hyndman* fails to teach or suggest all elements of independent claim 1. The Office Action does not rely upon *Tate* for teaching the above-identified elements of claim 1 that are not taught or suggested by *Stoecker* and *Hyndman*, nor does *Tate* provide such teaching. It is therefore respectfully submitted that dependent claim 6 is allowable not only because of its dependency from independent claim 1 for the reasons discussed above, but also in view of its own novel claim features (which both narrows its individual scope and compels a broader interpretation of independent claim 1 from which it depends).

VII. Rejections Under 35 U.S.C. § 103(a) over *Stoecker* in view of *Tate*

Claims 10, 12, 19, and 26-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Tate*. Applicant respectfully traverses this rejection below.

Independent Claim 10

The combination of *Stoecker* and *Tate* fails to teach or suggest all elements of claim 10. Independent claim 10 recites

> A system comprising:
> an operating system stored to a computer-readable media, said operating system implementing at least one compartment to which at least one process executable on said system can be associated;

at least one configuration file stored to a computer-readable media, said at least one configuration file defining said at least one compartment; and

means for performing management of said at least one compartment without requiring that a user edit said at least one configuration file in which said at least one compartment is defined. (Emphasis added).

Neither *Stoecker* nor *Tate* teach or suggest an operating system implementing a compartment, as recited by claim 10. *Stoecker* mentions that TMN standards refer to a containment tree that specifies a relationship between managed objects. However, the containment tree is not taught as being a compartment implemented by an operating system. *Stoecker* addresses systems and methods for testing of a telecommunications management network (TMN) agent prior to the development, installation and configuration of a TMN manager, *see* col. 1, lines 7-11 of *Stoecker*. While a containment tree may be used in accordance with TMN standards for specifying a relationship between managed objects, *Stoecker* provides no teaching or suggestion of an operating system implementing a compartment, as recited by claim 10. Similarly, *Tate* does not teach or suggest a compartment that is implemented by an operating system.

Thus, the combination of *Stoecker* and *Tate* fails to teach or suggest at least this element of claim 10. Accordingly, claim 10 is not obvious under 35 U.S.C. § 103(a) over *Stoecker* in view of *Tate*.

Independent Claim 26

The combination of *Stoecker* and *Tate* also fails to teach or suggest all elements of claim 26. Independent claim 26 recites:

A system comprising:

an operating system implementing at least one compartment to which at least one process executable on said system can be associated;

at least one configuration file defining said at least one compartment; and

command-line utility executable for performing management of said at least one compartment without requiring that a user edit said at least one configuration file in which said at least one compartment is defined. (Emphasis added).

As discussed above with claim 10, the applied combination of *Stoecker* and *Tate* fails to teach or suggest "an operating system implementing at least one compartment to which at

least one process executable on said system can be associated". Additionally, the combination of *Stoecker* and *Tate* also fails to teach or suggest "a command-line utility executable for performing management of said at least one compartment without requiring that a user edit said at least one configuration file in which said at least one compartment is defined".

Thus, the combination of *Stoecker* and *Tate* fails to teach or suggest at least these elements of claim 26. Accordingly, claim 26 is not obvious under 35 U.S.C. § 103(a) over *Stoecker* in view of *Tate*.

Dependent Claims 12, 19, and 27

Claims 12, 19, and 27 each depend either directly or indirectly from one of independent claims 10 and 26, and thus inherit all limitations of the respective independent claims from which they depend. It is respectfully submitted that dependent claims 12, 19, and 27 are allowable not only because of their dependency from their respective independent claims for the reasons discussed above, but also in view of their novel claim features (which both narrow the scope of the particular claims and compel a broader interpretation of the respective independent claim from which they depend).

VIII. Rejections Under 35 U.S.C. § 103(a) over *Stoecker* in view of *Tate* and *Fletcher*

Claims 11, 14, and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Tate* and further in view of *Fletcher*. Claims 11, 14, and 29 each depend either directly or indirectly from one of independent claims 10 and 26. As discussed above, the combination of *Stoecker* and *Tate* fails to teach or suggest all elements of independent claims 10 and 26. The Office Action does not rely upon *Fletcher* for teaching the above-identified elements of claims 10 and 26 that are not taught or suggested by *Stoecker* and *Tate*, nor does *Fletcher* provide such teaching. It is therefore respectfully submitted that dependent claims 11, 14, and 29 are allowable not only because of their dependency from their respective independent claims for the reasons discussed above, but also in view of their own novel claim features (which both narrow their individual scope and

compel a broader interpretation of the respective independent claim from which they depend).

IX. Rejections Under 35 U.S.C. § 103(a) over *Stoecker* in view of *Tate* and *Thalhammer-Reyero*

Claims 13, 15, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Tate* and further in view of *Thalhammer-Reyero*. Claims 13, 15, and 28 each depend either directly or indirectly from one of independent claims 10 and 26. As discussed above, the combination of *Stoecker* and *Tate* fails to teach or suggest all elements of independent claims 10 and 26. The Office Action does not rely upon *Thalhammer-Reyero* for teaching the above-identified elements of claims 10 and 26 that are not taught or suggested by *Stoecker* and *Tate*, nor does *Thalhammer-Reyero* provide such teaching. It is therefore respectfully submitted that dependent claims 13, 15, and 28 are allowable not only because of their dependency from their respective independent claims for the reasons discussed above, but also in view of their own novel claim features (which both narrow their individual scope and compel a broader interpretation of the respective independent claim from which they depend).

X. Rejections Under 35 U.S.C. § 103(a) over *Stoecker* in view of *Tate* and *Hyndman*

Claims 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Tate* and further in view of *Hyndman*. Claims 16-18 each depend either directly or indirectly from independent claim 10. As discussed above, the combination of *Stoecker* and *Tate* fails to teach or suggest all elements of independent claim 10. The Office Action does not rely upon *Hyndman* for teaching the above-identified elements of claim 10 that are not taught or suggested by *Stoecker* and *Tate*, nor does *Hyndman* provide such teaching. It is therefore respectfully submitted that dependent claims 16-18 are allowable not only because of their dependency from independent claim 10 for the reasons discussed above, but also in view of their own novel claim features (which both narrow their individual scope and compel a broader interpretation of claim 10 from which they depend).

XI. Rejections Under 35 U.S.C. § 103(a) over *Hyndman* in view of *Stoecker*

Claims 20, 22, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hyndman* in view of *Stoecker*. Applicant respectfully traverses this rejection below.

Independent Claim 20

The combination of *Hyndman* and *Stoecker* fails to teach or suggest all elements of claim 20. Independent claim 20 recites

> A computer-readable medium including instructions executable by a processor, said computer-readable medium comprising:
>
> library of software functions for managing at least one compartment implemented by an operating system, wherein at least one process ~~can be~~ is associated with said at least one compartment and said at least one compartment defines accessibility of resources for said at least one process associated therewith; and
>
> said library of software functions includes at least one command-line utility executable to manipulate said at least one compartment.

Neither *Hyndman* nor *Stoecker* teach or suggest managing at least one compartment implemented by an operating system, as recited by claim 20. As discussed above with claim 10, *Stoecker* mentions that TMN standards refer to a containment tree that specifies a relationship between managed objects. However, the containment tree is not taught as being a compartment implemented by an operating system. *Stoecker* provides no teaching or suggestion of an operating system implementing a compartment, as recited by claim 20.

Similarly, *Hyndman* does not teach or suggest a compartment that is implemented by an operating system. *Hyndman* appears to teach a "building block" that "comprises a database for storing access control data pertinent to said component including all resources accessible to the BB and all users that have the right to use the BB, according to privileges allocated to each user." Abstract of *Hyndman*. This fails to teach or suggest a compartment implemented by an operating system. Rather, this merely teaches that access rights for a component are stored to a database.

Thus, the combination of *Hyndman* and *Stoecker* fails to teach or suggest at least this element of claim 20. Accordingly, claim 20 is not obvious under 35 U.S.C. § 103(a) over *Hyndman* in view of *Stoecker*.

Dependent Claims 22 and 24

Claims 22 and 24 each depend either directly or indirectly from independent claim 20, and thus inherit all limitations of independent claim 20. It is respectfully submitted that dependent claims 22 and 24 are allowable not only because of their dependency from independent claim 20 for the reasons discussed above, but also in view of their novel claim features (which both narrow the scope of the particular claims and compel a broader interpretation of independent claim 20 from which they depend).

XII. Rejections Under 35 U.S.C. § 103(a) over *Hyndman* in view of *Stoecker* and *Thalhammer-Reyero*

Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hyndman* in view of *Stoecker* and further in view of *Thalhammer-Reyero*. Claim 21 depends from independent claim 20. As discussed above, the combination of *Hyndman* and *Stoecker* fails to teach or suggest all elements of independent claim 20. The Office Action does not rely upon *Thalhammer-Reyero* for teaching the above-identified elements of claim 20 that are not taught or suggested by *Hyndman* and *Stoecker*, nor does *Thalhammer-Reyero* provide such teaching. It is therefore respectfully submitted that dependent claim 21 is allowable not only because of its dependency from independent claim 20 for the reasons discussed above, but also in view of its own novel claim features (which both narrows its individual scope and compels a broader interpretation of claim 20 from which it depends).

XIII. Rejections Under 35 U.S.C. § 103(a) over *Hyndman* in view of *Stoecker* and *Tate*

Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hyndman* in view of *Stoecker* and further in view of *Tate*. Claim 23 depends from claim 22 which depends from independent claim 20. As discussed above, the combination of *Hyndman* and *Stoecker* fails to teach or suggest all elements of independent claim 20. The Office Action does not rely upon *Tate* for teaching the above-identified elements of claim 20 that are not taught or suggested by *Hyndman* and *Stoecker*, nor does *Tate* provide such teaching. It is therefore respectfully submitted that dependent claim 23 is allowable not only because of its dependency from independent claim 20 for the reasons discussed above, but also in view of

its own novel claim features (which both narrows its individual scope and compels a broader interpretation of claim 20 from which it depends).

XIV. Rejections Under 35 U.S.C. § 103(a) over *Stoecker* in view of *Hyndman* and *Kuhn*

Claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Hyndman* and further in view of *Kuhn*. Claim 25 depends from independent claim 1. As discussed above, the combination of *Stoecker* and *Hyndman* fails to teach or suggest all elements of independent claim 1. The Office Action does not rely upon *Kuhn* for teaching the above-identified elements of claim 1 that are not taught or suggested by *Stoecker* and *Hyndman*, nor does *Kuhn* provide such teaching. It is therefore respectfully submitted that dependent claim 25 is allowable not only because of its dependency from independent claim 1 for the reasons discussed above, but also in view of its own novel claim features (which both narrows its individual scope and compels a broader interpretation of claim 1 from which it depends).

XV. Conclusion

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 80-2025, under Order No. 10013499-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 568258264US in an envelope addressed to: M/S Amendment, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: December 21, 2005

Typed Name: Gail L. Miller

Signature: Gail L. Miller

Respectfully submitted,

By: _____

Jody C. Bishop
Attorney/Agent for Applicant(s)
Reg. No. 44,034
Date: December 21, 2005
Telephone No. (214) 855-8007